



UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

EUROCHEM GROUP AG

v.

JP MORGAN CHASE BANK, N.A.,
TRUIST FINANCIAL CORPORATION, and
TRUIST BANK

Case No. 1:24-mc-00354

STIPULATED PROTECTIVE ORDER

The Court having issued an order dated August 26, 2024, requiring the production to EuroChem Group AG (EuroChem) by Truist Bank of certain documents as listed on the attached subpoena (Exhibit A), and the parties having met and conferred on the scope of the subpoena and having agreed to narrow the scope of the subpoena as reflected on the Amended Rider thereto (Exhibit B), which the parties also agree may be enlarged, upon agreement of the parties or by further order of the Court, to seek further documents as necessary and appropriate based on the initial production; the parties hereby agree to the following terms of confidentiality, and it is therefore hereby:

ORDERED that any person subject to this Order—including without limitation the parties to this action, their representatives, agents, experts, consultants, all third parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Order—shall adhere to the following terms, upon pain of contempt:

1. Any person subject to this Order who receives from any other person any “Discovery Material” (i.e., information of any kind provided in discovery in this action) that is designated as “Confidential” pursuant to the terms of this Order shall not disclose such Confidential Discovery Material to anyone else except as expressly permitted hereunder.
2. The person producing any given Discovery Material may designate as Confidential only such portion of such material as consists of:
 - a. previously nondisclosed financial information (including without limitation profitability reports or estimates, percentage fees, design fees, royalty rates, minimum guarantee payments, sales reports, and sale margins);
 - b. previously nondisclosed material relating to ownership or control of any non-public company;

- c. previously nondisclosed business plans, product development information, or marketing plans;
 - d. any information of a personal or intimate nature regarding any individual;
 - e. information shielded or protected by statute; or
 - f. any other category of information hereinafter given confidential status by the Court.
3. With respect to the Confidential portion of any Discovery Material other than deposition transcripts and exhibits, the producing person or that person's counsel may designate such portion as "Confidential" by stamping or otherwise clearly marking as "Confidential" the protected portion in a manner that will not interfere with legibility or audibility, and by also producing for future public use another copy of said Discovery Material with the confidential information redacted. With respect to deposition transcripts and exhibits, a producing person or that person's counsel may indicate on the record that a question calls for Confidential information, in which case the transcript of the designated testimony shall be bound in a separate volume and marked "Confidential Information Governed by Protective Order" by the reporter.
4. If at any time prior to the trial of this action, a producing person realizes that some portion(s) of Discovery Material that that person previously produced without limitation should be designated as Confidential, he or she may so designate by so apprising all parties in writing, and such designated portion(s) of the Discovery Material will thereafter be treated as Confidential under the terms of this Order.
5. No person subject to this Order other than the producing person shall disclose any of the Discovery Material designated by the producing person as Confidential to any other person, except to:
- a. the parties to this action or any related action, including but not limited to an action to recover the \$600,000 transferred from JP Morgan Chase Bank by EuroChem Group AG, purportedly to One Source LLC, at Truist Bank in Wilson, North Carolina, Account # 1210008146207 on September 29, 2023; ("the Transferred Funds")
 - b. OneSource, LLC, their employees and counsel, and
 - c. counsel retained specifically for this action or any related action, including but not limited to an action to recover the Transferred Funds, including any paralegal, clerical and other assistant employed by such counsel and assigned to this matter;

- d. as to any document, its author, its addressee, and any other person indicated on the face of the document as having received a copy;
 - e. any witness who counsel for a party in good faith believes may be called to testify at trial or deposition in this action, or any related action including but not limited to an action to recover the Transferred Funds, provided such person has first executed a Non-Disclosure Agreement in the form annexed as an Exhibit hereto;
 - f. any person retained by a party to serve as an expert witness or otherwise provide specialized advice to counsel in connection with this action, or any related action including but not limited to an action to recover the Transferred Funds, provided such person has first executed a Non-Disclosure Agreement in the form annexed as an Exhibit hereto;
 - g. stenographers engaged to transcribe depositions conducted in this action or any related action including but not limited to an action to recover the Transferred Funds; and
 - h. the Court and its support personnel in this action or any related action including but not limited to an action to recover the Transferred Funds,
6. All Confidential Discovery Material filed with the Court, and all portions of pleadings, motions, or other papers filed with the Court that disclose such Confidential Discovery Material, shall be filed under seal to the extent permitted by the Southern District of New York in their published “CM/ECF Sealed Filings in Unsealed Civil and Miscellaneous Cases” document which can be found at [SDNY Sealed Filing in ECF.pdf \(uscourts.gov\)](#), and kept under seal until further order of the Court. The parties will use their best efforts to minimize such sealing. In any event, any party filing a motion or any other papers with the Court under seal shall also publicly file a redacted copy of the same, via the Court’s Electronic Case Filing system, that redacts only the Confidential Discovery Material itself, and not text that in no material way 3 reveals the Confidential Discovery Material.
 7. Any party who either objects to any designation of confidentiality, or who, by contrast, requests still further limits on disclosure (such as “attorneys’ eyes only” in extraordinary circumstances), may at any time prior to the trial of this action serve upon counsel for the designating person a written notice stating with particularity the grounds of the objection or request. If agreement cannot be reached promptly, counsel for all affected persons will address their dispute to this Court in accordance with this Court’s Individual Rules & Practices in Civil Cases.
 8. All persons are hereby placed on notice that the Court is unlikely to seal or otherwise afford confidential treatment to any Discovery Material introduced in evidence at trial, even if such material has previously been sealed or designated as Confidential. The Court also retains unfettered discretion whether to afford

SO STIPULATED AND AGREED

Dated: October 17, 2024

SALISBURY & RYAN LLP

/s/ Patrick Salisbury

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Dated: October 17, 2024

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/s/ Justin Kerner

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Counsel for Truist Bank

SO ORDERED.

Date:

October 22, 2024

New York, New York



MARGARET M. CARNETT

United States District Judge